

**In the
Indiana Supreme Court**

IN THE MATTER OF)
) **Case No. 49S00-0603-DI-96**
JAMES R. RECKER, II)

**ORDER ON COMMISSION'S NOTICE OF GUILTY FINDING
AND REQUEST FOR SUSPENSION**

On March 16, 2006, the Commission filed its *Notice of Guilty Finding and Request for Suspension* requesting that respondent be suspended *pendente lite* pursuant to Ind. Admission and Discipline Rule 23 § 11.1(a). Respondent filed his response on March 31, 2006, and on April 25, 2006, a motion to file belated affidavit. Because the Commission has sought respondent's suspension under Admis.Disc.R. 23 § 11.1(a) [conviction of a felony], and not under Admis.Disc.R. 23 § 11.1(b) [substantial risk of harm to public], the Court is disinclined to order a suspension *pendente lite*. Further, because respondent's March 31, 2006, pleading admits all the material allegations of the Commission's *Notice of Guilty Finding*, the Court is receptive to proceeding to final disposition of this matter.

IT IS, THEREFORE, ORDERED that the parties are to notify the Court on or before May 26, 2006, if either party disputes the merits of the case and desires the appointment of a hearing officer.

IT IS, THEREFORE, FURTHER ORDERED that if the parties do not request the appointment of a hearing officer, the parties shall submit their briefs on the appropriate sanction to impose, on or before June 26, 2006.

The Clerk of this Court is directed to forward a copy of this Order to the parties.

DONE at Indianapolis, Indiana, this _____ day of May, 2006.

Randall T. Shepard
Chief Justice of Indiana

All Justices concur.